IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORIGINAL SIDE

APPEAL NO. 550 OF 2004
IN
NOTICE OF MOTION NO.1372 OF 2002
IN
SUIT NO.6522 OF 1999

1. Babulal Ramdutt Chaurasia & anr. Appellants
vs.
1. Bahman Behram Hamadani & ors. Respondents

Mr.P.K. Dhakephalkar i/b. Mr.A.M.Rajabally for the appellants.

Ms.Rajni Iyer i/b. M/s.Kiran Jain & Co. for the respondents 1 to 4.

Mr.Vinod Mahadik for respondents 5 to 11.

CORAM : R. M. LODHA &
J.P. DEVADHAR,JJ

DATED : 10th September 2004

P.C.

Heard.

2. We are satisfied that the impugned order does not call for any interference.

3. The appeal is, accordingly, dismissed in limine.

4. Though in the impugned order the learned motion Judge has directed the Court Receiver to fix the amount of compensation for the use of unauthorised structure

by the defendants, yet we asked the learned counsel for the parties about the reasonable amount of compensation. The amount of compensation suggested by the learned counsel for the parties was divergent, but upon our indication that the compensation may be fixed at the rate of Rs.5,000/- per month, the learned counsel for the parties agreed. They further submitted that the Court Receiver may be directed to invest the said amount in fixed deposit of nationalised Bank.

5. We, accordingly, direct that Court Receiver shall fix the amount of compensation at the rate of Rs.5,000/- per month and the amount so deposited by the defendants shall be invested separately in the fixed deposit of any nationalised Bank initially for a period of three years, renewable thereafter for the same period until the disposal of the suit. The amount so deposited and the interest accrued thereon shall be paid as per the final decision in the suit.

6. Needless to say that any observation made in the impugned order shall not influence the decision of the suit on merits.

(R.M. LODHA, J.)

(J.P. DEVADHAR,J.)